

SENATE BILL 836
By Cooper

AN ACT to enact the "Banking Facilities Safety Act of 1997" and to
amend Tennessee Code Annotated, Title 45.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. This act shall be known and may be cited as the "Banking Facilities Safety
Act of 1997".

SECTION 2.

(a) It is the intent of the legislature in enacting this act to enhance the safety of
persons using banking facilities and locations in Tennessee without discouraging the
location of such facilities in places that are convenient to users or placing unreasonable
burdens upon operators of such facilities. Since decisions concerning these facilities are
inherently subjective and are necessarily influenced by many factors and conditions
beyond the control of operators of these facilities, the standards provided in this Act are
intended to be the only standards of care and duty applicable to such operators.

(b) The legislature hereby recognizes the need for uniformity in the
establishment of banking facilities user safety standards. Therefore, this act shall
supersede and preempt any rule, regulation, code, stature, or ordinance of any political
subdivision or other unit of local government or any other applicable standard with
regard to these facilities.

SECTION 3.

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(a) The Commissioner of the Department of Financial Institutions shall by regulation, promulgated in conformance with the Tennessee Administrative Procedures Act (Tennessee Code Annotated, Title 4, Chapter 5) establish uniform standards to protect the safety of persons using banking facilities in the State of Tennessee. Such standards shall include, but not be limited to, lighting, location, landscaping, use of monitoring devices or other security measures. The standards shall apply to the principal offices of financial institutions, branches, or remote service facilities, as well as adjacent access areas controlled by such financial institutions and parking premises. The regulations may exclude those locations in interiors of buildings or which are not under the control of the financial institution.

(b) In adopting such rules and regulations, the Commissioner shall survey similar standards in other states in the country as well as accepted practice for financial institutions in Tennessee, recognizing the limits of current technology and the reasonable cost for its purchase and installation.

(c) Substantial compliance with the rules and regulations of the Department of Financial Institutions shall fulfill any duty of an owner or operator of banking premises to protect against the risk of harm to any customer, user, or invitee of the banking premises and shall be a bar to any claim for damages arising from the use of such facilities, provided that the owner or operator was not grossly negligent or did not act intentionally.

SECTION 4. For purposes of promulgating rules and regulations, this act shall take effect upon becoming a law, the public welfare requiring it; for all other purposes, this act shall take effect on October 1, 1997.

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